



PATENT

Customer No. 22,852

Attorney Docket No. 02887.0251-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tadashi MITSUI

Application No.: 10/670,387

Filed: September 26, 2003

For: PATTERN MEASUREMENT
METHOD, MANUFACTURING
METHOD OF SEMICONDUCTOR
DEVICE, PATTERN MEASUREMENT
APPARATUS, AND PROGRAM

Group Art Unit: 2624

Examiner: Desire, Gregory M.

Confirmation No.: 2738

Commissioner for Patents
P.O. Box 1450
Washington, DC 20231

08/21/2006 JADD01 00000002 10670387
01 FC:1814 130.00 0P

Sir:

TERMINAL DISCLAIMER

Assignee, KABUSHIKI KAISHA TOSHIBA, duly organized under the laws of JAPAN and having its principal place of business at 1-1, SHIBAURA 1-CHOME, MINATO-KU, TOKYO, JAPAN, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application Serial No. 10/670,387, filed September 26, 2003 for PATTERN MEASUREMENT METHOD, MANUFACTURING METHOD OF SEMICONDUCTOR DEVICE, PATTERN MEASUREMENT APPARATUS, AND PROGRAM in the name of Tadashi MITSUI as indicated by an assignment duly recorded in the United States Patent and Trademark Office at Reel 014973, Frame 0161. Assignee, KABUSHIKI KAISHA TOSHIBA, further

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represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,985,626, as indicated by recorded assignments thereof.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application (Serial No. 10/670,387), which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,985,626. Assignee hereby agrees that any patent so granted on the above-identified application (Serial No. 10/670,387) shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the above-identified application (Serial No. 10/670,387) that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

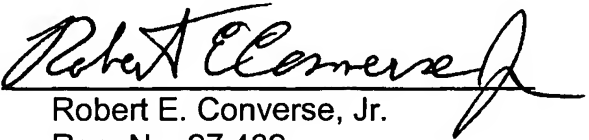
The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 17, 2006

By:



Robert E. Converse, Jr.
Reg. No. 27,432